

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CATHERINE BROWN,

Plaintiff,

Case No. 12-14057
HON. GERSHWIN A. DRAIN

vs.

THE COMMISSIONER OF
SOCIAL SECURITY,

Defendant.

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**ORDER ACCEPTING AND ADOPTING REPORT AND RECOMMENDATION [#16]
AND REMANDING THE DECISION OF THE COMMISSIONER FOR FURTHER
ADMINISTRATIVE PROCEEDINGS**

This matter is before the Court on Plaintiff Catherine Brown's ("Brown") appeal of an administrative law judge's decision that Brown was not under a "disability" as the term is used in the Social Security Act. The administrative law judge was acting on behalf of the Defendant Commissioner of Social Security ("Commissioner"). The matter was referred to Magistrate Judge Laurie J. Michelson, who issued a Report and Recommendation on December 10, 2013, recommending that the Court remand the decision of the Commissioner for further administrative proceedings. Magistrate Judge Michelson concluded that the administrative law judge committed legal error by failing to obtain a medical expert's opinion on whether Brown's impairments, alone or in combination with her mental impairments, medically equaled one of the Social Security Administration's listed

impairments. Neither party has filed objections to the Magistrate Judge's Report and Recommendation, and the time for filing objections has expired. See 28 U.S.C. § 636(b)(1)(C).

Upon review of the parties' briefing and the Magistrate Judge's Report and Recommendation, the Court concludes that the Magistrate Judge reached the correct conclusion. Therefore, the Court hereby ACCEPTS and ADOPTS Magistrate Judge Michelson's December 10, 2013 Report and Recommendation [#16] as this Court's findings of fact and conclusions of law. The decision of the Commissioner is REMANDED for an opinion consistent with Magistrate Judge Michelson's December 10, 2013 Report and Recommendation.

SO ORDERED.

Dated: January 21, 2014

/s/ Gershwin A Drain
GERSHWIN A. DRAIN
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on
January 21, 2014, by electronic and/or ordinary mail.

/s/ Tanya Bankston
Deputy Clerk